

**FILED**  
KING COUNTY, WASHINGTON

MAY 10 2019

SEA  
SUPERIOR COURT CLERK

No Hearing Set  
Hon. Judge Bradshaw

**IN THE SUPERIOR COURT OF THE STATE  
OF WASHINGTON FOR KING COUNTY**

**ARTHUR WEST,  
                    plaintiff,**

**Vs.**

**SEATTLE CITY COUNCIL, et al,  
                    defendants.**

No. 18-2-14942-8 SEA ✓  
18-2-15000-8 SEA 1  
(consolidated)

**APPELLANT'S  
NOTICE OF APPEAL**

Comes now plaintiff/appellant West and respectfully provides notice of his intent to appeal, to Division I of the Court of Appeals, the following Orders;

(1.) the Order of the Trial Court of April 26, 2019, granting Defendants' Motion for Summary Judgment and dismissing West's claims regarding violations of RCW 42.30;

(2.) the Order of the Trial Court of May 9, 2019 denying Plaintiff's Motion for Summary Judgment; and

(3.) the Order of the Trial Court of May 9, 2019, denying Plaintiff's CR 56(f) Motion.

The City was represented by Pete Holmes and Bruce Wiley.

1 APPELLANT'S  
NOTICE  
OF APPEAL

Arthur West  
120 State Ave. NE #1497  
Olympia, Washington 98501

1 Plaintiff West acted on his own behalf.

2 Appellant West seeks:

3 (1.) An Order of the Appellate Court vacating the Orders designated above.

4 (2.) An Order of Remand to the Trial Court with instructions to find that the  
5 defendants violated the OPMA and to to enter judgment for the plaintiff on all  
6 claims in the Amended Complaint.

7 Done May 9, 2019, in Olympia, Washington.

8  
9   
ARTHUR WEST

10 **CERTIFICATE OF SERVICE**

11 I, Arthur West, certify under penalty of perjury under the laws of the State of  
12 Washington that I caused to be served a copy of Appellant's Notice of Appeal to the  
13 parties, electronically, by email on or about May 9, 2019, to the addresses listed as  
14 follows:\

15 Peter S. Holmes, WSBA #15787 Gary Smith, WSBA #29718 Michael K. Ryan, WSBA  
16 #32091 Seattle Attorney's Office

17 701 Fifth Avenue, Suite 2050 Seattle, WA

18 98104 [pete.holmes@seattle.gov](mailto:pete.holmes@seattle.gov) [gary.smith@seattle.gov](mailto:gary.smith@seattle.gov) [michael.ryan@seattle.gov](mailto:michael.ryan@seattle.gov)

19 David N. Bruce, WSBA #15237 Stephen C. Willey, WSBA #24499 Michele L. Stephen,  
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20   
ARTHUR WEST

The Honorable Timothy A. Bradshaw  
Noted for Hearing: April 26, 2019 at 1:30 p.m.  
*Oral Argument Scheduled*

SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

JAMES EGAN, individually,

Plaintiff,

v.

CITY OF SEATTLE, a Washington municipal  
corporation,

Defendant.

ARTHUR WEST,

Plaintiff,

v.

SEATTLE CITY COUNCIL, CITY OF  
SEATTLE, LISA HERBOLD, BRUCE  
HARRELL, KSHAMA SAWANT, ROB  
JOHNSON, DEBORA JUAREZ, MIKE  
O'BRIEN, SALLY BAGSHAW, TERESA  
MOSQUEDA, LORENA GONZALEZ,

Defendants.

NO. 18-2-14942-8 SEA  
(Consolidated)

**[PROPOSED]**

**ORDER GRANTING DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

1 THIS MATTER came before the Court on Defendants' Motion for Summary Judgment  
2 (the "Motion"), and the Court having considered:

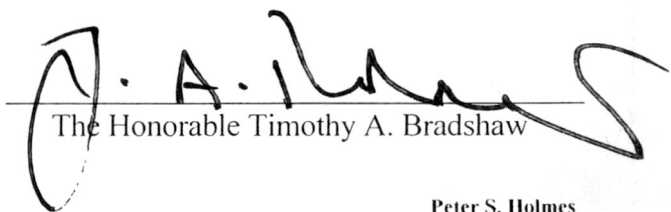
- 3 (a) Defendants' Motion;
- 4 (b) Declaration of Sally Bagshaw;
- 5 (c) Declaration of Lorena González;
- 6 (d) Declaration of Bruce Harrell and the exhibits thereto;
- 7 (e) Declaration of Lisa Herbold;
- 8 (f) Declaration of Rob Johnson;
- 9 (g) Declaration of Debora Juarez;
- 10 (h) Declaration of Teresa Mosqueda;
- 11 (i) Declaration of Mike O'Brien;
- 12 (j) Declaration of Gabriella Sanders and the exhibits thereto;
- 13 (k) Appendix of non-Washington Authorities in support of Defendants' Motion;
- 14 (l) Plaintiff West's Reply in Opposition to Defendants' Motion;
- 15 (m) Defendants' Reply;
- 16 (n) Declaration of Stephanie Formas; and
- 17 (o) Supplemental Declaration of Gabriella Sanders;

18 and being familiar with the files and pleadings in this matter, and having heard oral argument  
19 from counsel on April 26, 2019, is fully advised.

20 **NOW, THEREFORE**, the Court rules as follows: Defendants' Motion for Summary  
21 Judgment is hereby **GRANTED**, and Plaintiff Arthur West's claims herein and his Second  
22 Amended Complaint are dismissed with prejudice.

23 IT IS SO ORDERED.

24 *including conclusions*  
DATED this *26th* day of April, 2019.

25  
26   
The Honorable Timothy A. Bradshaw  
27

1  
2 PRESENTED BY:

3 **Peter S. Holmes**

4 Seattle City Attorney

5 By s/Peter S. Holmes

6 Peter S. Holmes, WSBA #15787

7 Gary Smith, WSBA #29718

8 Assistant City Attorney

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15 **SAVITT BRUCE & WILLEY LLP**

16 By s/David N. Bruce

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27 *Attorneys for Defendants*

The Honorable Timothy A. Bradshaw

SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

JAMES EGAN, individually,

Plaintiff,

v.

CITY OF SEATTLE, a Washington municipal  
corporation,

Defendant.

NO. 18-2-14942-8 SEA  
(Consolidated)

**ORDER DENYING PLAINTIFF  
WEST'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

ARTHUR WEST,

Plaintiff,

v.

SEATTLE CITY COUNCIL, CITY OF  
SEATTLE, LISA HERBOLD, BRUCE  
HARRELL, KSHAMA SAWANT, ROB  
JOHNSON, DEBORA JUAREZ, MIKE  
O'BRIEN, SALLY BAGSHAW, TERESA  
MOSQUEDA, LORENA GONZALEZ,

Defendants.

ORDER DENYING PLAINTIFF WEST'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT - 1

Peter S. Holmes  
Seattle City Attorney  
701 5th Avenue, Suite 2050  
Seattle, WA 98104-7097  
(206) 684-8200

1           THIS MATTER came before the Court on Plaintiff West's Motion for Partial Summary  
2 Judgment (the "Motion"), and the Court having considered:

- 3           (a) Plaintiff's Motion, and exhibits;  
4           (b) Plaintiff West's Declaration and Transcript Excerpts (*see* Sub No. 140);  
5           (c) Plaintiff West's Appendix of Out of State Authorities;  
6           (d) Defendants' Opposition;  
7           (e) Defendants' Motion for Summary Judgment (*see* Sub No. 125);  
8           (f) Declaration of Sally Bagshaw (*see* Sub No. 126);  
9           (g) Declaration of Lorena González (*see* Sub No. 127);  
10          (h) Declaration of Bruce Harrell and the exhibits thereto (*see* Sub No. 128);  
11          (i) Declaration of Lisa Herbold (*see* Sub No. 129);  
12          (j) Declaration of Rob Johnson (*see* Sub No. 130);  
13          (k) Declaration of Debora Juarez (*see* Sub No. 131);  
14          (l) Declaration of Teresa Mosqueda (*see* Sub No. 132);  
15          (m) Declaration of Mike O'Brien (*see* Sub No. 133);  
16          (n) Declaration of Gabriella Sanders and the exhibits thereto (*see* Sub No. 134);  
17          (o) Appendices of non-Washington Authorities in support of Defendants' Motion  
18             for Summary Judgment and in Opposition to Plaintiff West's Motion; and  
19          (p) Plaintiff West's Reply, and exhibits;  
20          (q) Plaintiff West's Reply in Opposition, and exhibits.

21 and being familiar with the files and pleadings in this matter, and having heard oral argument  
22 from counsel on April 26, 2019, is fully advised.

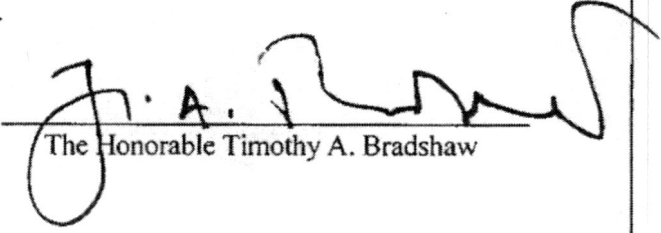
23           **NOW, THEREFORE**, the Court rules as follows: Plaintiff West's Motion for Partial  
24 Summary Judgment is hereby **DENIED**.

25           **IT IS SO ORDERED.**

26 //



1 DATED this 09<sup>th</sup> day of May, 2019.

2  
3   
4 The Honorable Timothy A. Bradshaw

5 PRESENTED BY:

6 **Peter S. Holmes**  
7 Seattle City Attorney

8 By s/Peter S. Holmes

9 Peter S. Holmes, WSBA #15787

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*Attorneys for Defendants*

28 s/ Arthur West

29 ARTHUR WEST

30 Plaintiff



The Honorable Timothy A. Bradshaw

SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

JAMES EGAN, individually,

Plaintiff,

v.

CITY OF SEATTLE, a Washington municipal  
corporation,

Defendant.

NO. 18-2-14942-8 SEA  
(Consolidated)

**ORDER DENYING PLAINTIFF  
WEST'S CR 56(f) MOTION**

ARTHUR WEST,

Plaintiff,

v.

SEATTLE CITY COUNCIL, CITY OF  
SEATTLE, LISA HERBOLD, BRUCE  
HARRELL, KSHAMA SAWANT, ROB  
JOHNSON, DEBORA JUAREZ, MIKE  
O'BRIEN, SALLY BAGSHAW, TERESA  
MOSQUEDA, LORENA GONZALEZ,

Defendants.

ORDER DENYING PLAINTIFF WEST'S CR 56(f) MOTION

- 1

**Peter S. Holmes**  
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1 THIS MATTER came before the Court on Plaintiff West's CR 56(f) Motion (the  
2 "Motion"), and the Court having considered:

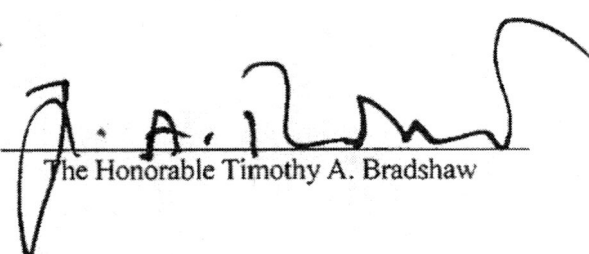
- 3 (a) Plaintiff's Motion;  
4 (b) Defendants' Opposition;  
5 (c) Declaration of Gabriella Sanders and the exhibits thereto; and  
6 (d) Plaintiff West's Reply ("Plaintiff West's Declaration in support of CR 56(f)  
7 Motion");

8 and being familiar with the files and pleadings in this matter, and having heard oral argument  
9 from counsel on April 26, 2019, is fully advised.

10 NOW, THEREFORE, the Court rules as follows: Plaintiff West's CR 56(f) Motion is  
11 hereby DENIED.

12 IT IS SO ORDERED.

13 DATED this 09<sup>th</sup> day of May, 2019.

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15 The Honorable Timothy A. Bradshaw  
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1 PRESENTED BY:

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3 **Seattle City Attorney**

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19 *Attorneys for Defendants*

20  
21  
22 s/Arthur West

23 **ARTHUR WEST**  
24 **Plaintiff**

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26  
27  
ORDER DENYING PLAINTIFF WEST'S CR 56(f) MOTION

- 3

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